

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7048-2023
DECIDED ON: 03.10.2023

PARVESH KUMAR
.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vishal Savda, Advocate for
Mr. N.C. Manchanda, Advocate
for the petitioner.

Ms. Dimple Jain, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance a writ in the nature of mandamus seeking regularization of services since 2004 as alleged to have been recommended by the Managing Director, UHBVN Limited/respondent No...2 vide its letter dated 23.08.2006 and 04.01.2007 (Annexure P-7 collectively) and from the date when the persons were junior to him have been regularised.
2. The petitioner has also sought refixation of the pay as well as release of arrears after regularization the services of the petitioner from the year 2004 alongwith interest @ 12 % per annum apart from other consequential benefits including promotion from the deemed date.
3. Today, Mr. Padamkant Dwivedi, Advocate has put in appearance on behalf of respondents No.2 to 4, who contends that at the time of issuance of notice

Court and made a valiant attempt to mislead while stating that the services of the petitioner were regularised, however, the said order does not contain the date from which his services would be deemed to be regular, whereas the persons appointed after him have been given the said date, meaning thereby who are junior have been given beyond date of regularization.

4. The attention of this Court has been drawn to Annexure P-10 dated 20.11.2018, which is an order of granting regularization to the services of the petitioner as per the policy dated 29.07.2011, which categorically records that services are being regularised with immediate effect as a special case against a vacant sanction post of peon after regularization to the required minimum prescribed qualification for the said post. The said para of the order dated 20.11.2018 (Annexure P-10) is referred hereinbelow:-

“Accordingly, it has been decided to regularise the services of Sh. Parvesh Kumar, Part Time Mali working in the office of SE (OP) Circle, UHBVN, Ambala, as Peon with immediate effect as a special case against vacant sanctioned post of peon in relaxation to required minimum prescribed qualification for the post.”

5. Mr. Dwivedi has also drawn attention of this Court to another order dated 13.12.2018 (Annexure P-11) passed in RSA No.157 of 2016, whereby the appellant has been offered regular appointment, which he has accepted and the said Regular Second Appeal has been disposed of having become rendered infructuous.

6. From the above narrated facts and circumstances perused from the record of the case file with the assistance of Mr. Padamkant Dwivedi, Advocate for respondents No.2 to 4, this Court is of the considered view that instant writ petition is wholly misconceived, malicious and an abuse of process of law, which deserves to be dismissed with an exemplary cost of Rs.25,000/-, which shall be deposited in the Welfare Fund of Bar Clerk's Association created by Punjab & Haryana High

Court, Bar Association.

7. Ordered accordingly.

03.10.2023

(SANDEEP MOUDGIL)
JUDGE

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>